

Introduced by Senator Peace

February 5, 1997

An act to add Section 2418 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 270, as introduced, Peace. Vehicles: foreign commercial vehicles: safety regulation.

(1) Existing law requires the Department of the California Highway Patrol to adopt reasonable rules and regulations designed to promote the safe operation of specified commercial vehicles.

Existing law prohibits any person from operating a commercial motor vehicle from another country outside the boundaries of a designated commercial zone, as defined, unless federal operating authority, as specified, has first been obtained. A violation of this provision is an infraction punishable by a fine of \$1,000. A peace officer is authorized to impound a vehicle that is in violation of this provision.

This bill would require the department, in consultation with the Department of Transportation and the State Air Resources Board, to adopt reasonable rules and regulations to promote the safe operation of commercial vehicles that enter the state from Mexico. The bill would require that those rules and regulations require the specified vehicles to meet standards already in effect for other commercial vehicles and address, but not be limited to, vehicle maintenance, maximum hours of service for drivers, insurance, and enforcement of criminal, civil, and administrative actions,

including, but not limited to, impoundment of vehicles for second or subsequent violations of the specified rules and regulations.

Because a violation of the rules and regulations adopted by the department would be infractions or misdemeanors, the bill would impose a state-mandated local program by creating new crimes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited
2 as the California North American Free Trade Agreement
3 (NAFTA) Conformity Act.

4 SEC. 2. The Legislature finds and declares that there
5 is a concern that under the North American Free Trade
6 Agreement commercial vehicles from Mexico will be
7 permitted on California highways without being required
8 to meet proper safety and pollution standards.

9 SEC. 3. Section 2418 is added to the Vehicle Code, to
10 read:

11 2418. The department, in consultation with the
12 Department of Transportation and the State Air
13 Resources Board, shall adopt reasonable rules and
14 regulations to promote the safe operation of commercial
15 vehicles that enter the state from Mexico. Those rules and
16 regulations shall require those vehicles to meet standards
17 already in effect for other commercial vehicles and shall
18 address, but not be limited to, the following concerns:

19 (a) Vehicle maintenance.

20 (b) Maximum hours of service for drivers.

21 (c) Insurance.



1 (d) Enforcement of criminal, civil, and administrative
2 actions, including, but not limited to, impoundment of
3 vehicles for second or subsequent violations of rules and
4 regulations adopted under this section.

5 SEC. 4. No reimbursement is required by this act
6 pursuant to Section 6 of Article XIII B of the California
7 Constitution because the only costs that may be incurred
8 by a local agency or school district will be incurred
9 because this act creates a new crime or infraction,
10 eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section
12 17556 of the Government Code, or changes the definition
13 of a crime within the meaning of Section 6 of Article
14 XIII B of the California Constitution.

15 Notwithstanding Section 17580 of the Government
16 Code, unless otherwise specified, the provisions of this act
17 shall become operative on the same date that the act
18 takes effect pursuant to the California Constitution.

